

LAW OFFICES
HENRY E. CRAWFORD
SUITE 900
1150 CONNECTICUT AVENUE, N.W.
WASHINGTON, D.C. 20036
202-862-4395

DOCKET FILE COPY ORIGINAL

Email: crawlaw@wizard.net
Web: <http://www.wizard.net/~crawlaw>

TELECOPIER NUMBER
202-828-4130

DOCKET FILE COPY ORIGINAL

March 10, 1997

BY HAND DELIVERY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W., Room 222
Washington, D.C. 20554

Re:

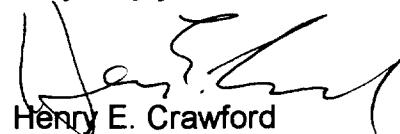
Amendment of Section 73.202(b) Table of Allotments, FM Broadcast Stations Yarnell, Arizona
MM Docket No. 97-20, RM-8979

Dear Mr. Caton:

Transmitted herewith on behalf of Yarnell Communications are an original and four (4) copies of its "Comments of Yarnell Communications" as directed to the Chief, Allocations Branch.

Should any additional information be required, please contact this office.

Very truly yours,



Henry E. Crawford
Counsel for
Yarnell Communications

cc: John A. Karousos
Ms. Nancy Joyner

No. of Copies rec'd 04
List ABCDE

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C.

In the Matter of)	MM Docket No. 97-20
)	
Amendment of Section 73.202(b))	RM-8979
Table of Allotments)	
FM Broadcast Stations)	
(Yarnell, Arizona))	

To: Chief, Allocations Branch

COMMENTS OF YARNELL COMMUNICATIONS

Yarnell Communications, by counsel, in accordance with 47 CFR §§ 1.415 and 1.420, hereby submits its comments in the above-captioned proceeding. In support thereof, Yarnell Communications states as follows:

I. INTRODUCTION

1. On January 10, 1997, the Commission released a Notice of Proposed Rulemaking ("NPRM") in the above-captioned proceeding in which it proposed the allotment of Channel 258A to Yarnell, Arizona as its first local aural transmission service. Yarnell Communications supports the allotment for the reasons stated herein and the reasons stated by Yarnell Communications in its *Petition for Rulemaking*, which is hereby incorporated by reference.

2. In the NPRM the Commission asked Yarnell Communications to:

...provide additional information regarding the attributes of Yarnell, Arizona [in accordance with the guidelines contained in the NPRM].

NPRM, p. 2, ¶ 3. Yarnell Communications respectfully submits that Yarnell possesses a robust commercial and social structure, and is deserving of the status of community.

A. Yarnell Is A Community For Allocation Purposes

3. Yarnell has its own zip code (85362). It is listed with the U.S. Census as a unique community with a 1990 U.S. Census population of 455.¹ Additionally, Yarnell has its own Elementary District with its own elementary school - Yarnell Elementary School. The school won the Yavapai County Teacher of the Year award in 1995 as well as the Poetry Contest for local small schools.² Yarnell also supports its own Fire District.

4. Yarnell is on U.S. Highway 89, approximately 80 miles northwest of Phoenix.³ Yarnell is named for Harrison Yarnell, who discovered and worked the Yarnell Mine in the 1890s. Yarnell possesses a post office that was established in 1892. It is an unincorporated community.

5. The principal economic activities of Yarnell consist of cattle ranching and mining. However, a growing arts, crafts and antique business has resulted in a noticeable increase in tourism. These visitors are discovering the clean air, water and mild climate of the area. Yarnell is also an attractive retirement area because of the low cost of living and mild climate. Many summer visitors come to Yarnell escape the desert heat.

¹ See U.S. Census Bureau at <http://www.census.gov/cgi-bin/gazetteer?city=&state=&zip=85362>, Exhibit 1.

² See <http://www.ade.state.az.us/rcard/y/yarn.html>, Exhibit 2.

³ See Yarnell Community Profile at <http://www.state.az.us/ep/comm/yarnel.shtml>, Exhibit 3.

6. Yarnell possesses a small commercial and service sector to serve its residents and the surrounding rural area. Community facilities for residents of Yarnell include a community hall, a library and a park. Yarnell has a local weekly newspaper.

7. Yarnell also hosts tourists coming to view the Shrine of St. Joseph of the Mountains, which is located in the Weaver Mountains one-half mile west of Yarnell. This hillside shrine consists of a chapel, the Way of the Cross, and replicas of the Garden of Gethsemane and the Last Supper-all the work of Felix Lucero. A lookout point off the highway provides a panorama of the desert regions below.

8. The 1.5-million-acre Prescott National Forest is north and east of the town of Yarnell. The forest offers visitors numerous recreational opportunities, such as camping, hiking and water sports in one of the many recreation areas.

9. Yarnell is the site of the Industrial Development Authority of Yavapai County.⁴ It is also the home of the extension site for Father Wasson's Orphans Nuestros Pequeños Hermanos.⁵ Volunteers work in Father Wasson's orphanages in Mexico, Haiti, and Honduras.

10. As noted in the NPRM, the proponent of an allotment need only show that the residents of the locality are commonly regarded as a distinct group.

⁴ Industrial Development Authority of Yavapai County, P.O. Box 607; Yarnell, Arizona 86362

⁵ Father Wasson's Orphans Nuestros Pequeños Hermanos, P.O. Box 1027, Yarnell, AZ 85362, (602) 427-3339. See <http://www.bbll.com/designcorps/intorg.html>, Exhibit 4.

This can be shown by objective evidence such as social, economic, commercial, cultural or religious organizations and services. As shown above, the Yarnell community possess all of these factors.

11. The listing of Yarnell as a unique community by the U.S. Census Bureau creates a presumption of community status. East Hemet, Indio, Rancho California, Sun City, and Temecula, California, 4 FCC Rcd 7895, 7896, ¶110 (MMB 1989). This presumption can only be rebutted where there is no indicia of such elements of community as social, economic or cultural activities. Searles Valley, California, 3 FCC Rcd 5221, ¶¶5-6 (MMB 1988). In the present case, the Community of Yarnell has been shown to have a fire station and a post office. The existence of these civic elements has long been held sufficient to constitute a community for purposes of the table of allotments. Statenville, Georgia, 69 RR 2d 1726 (MMB, 1991). In addition Yarnell has a newspaper and is home to a host of community oriented businesses. See, Essex, New York, 4 FCC Rcd 5775 ¶12 (MMB 1989). Finally, the Shrine of St. Joseph of the Mountains and Prescott National Forest offer recreational facilities of the sort that have been recognized by the Commission as evidence of a community. See, Willows and Dunnigan, California, 10 FCC Rcd 11522, ¶18 (MMB 1995) (presence of recreational facilities, civic organization, town hall, fire department, water district and churches held indicative of community identity).

12. In sum, Yarnell possesses all of the attributes necessary for it to be considered a community by the Commission. There is a school, a post office, a fire district and a weekly newspaper. Moreover, the U.S. Census recognizes

Yarnell as an independent community. Therefore, Yarnell is clearly entitled to community status for purposes of the table of allotments.

B. Yarnell's Intention To Apply For The Channel And Construct The Station

13. If the Commission assigns Channel 258A to Yarnell, Arizona, Yarnell will apply for a construction permit and will construct a new facility upon award of that permit.

II. CONCLUSION

14. Yarnell Communications has demonstrated that the community of Yarnell possesses sufficient elements of social, economic and political life to warrant its designation as a community for allocation purposes. Therefore, Yarnell Communications respectfully requests that Yarnell be accorded the status of a community for purposes of the FM table of allotments.

WHEREFORE, in accordance with the above, Yarnell Communications respectfully requests that Channel 258A be assigned to Yarnell, Arizona as its first local aural transmission service.

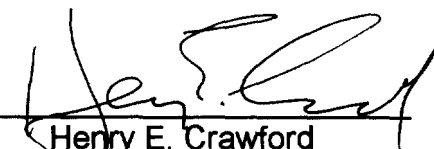
March 10, 1997

Law Offices of
Henry E. Crawford, Esq.
1150 Connecticut Avenue, N.W.
Suite 900
Washington, D.C. 20036
(202) 862-4395

Email: crawlaw@wizard.net
Web: <http://www.wizard.net/~crawlaw>

Respectfully Submitted,

Yarnell Communications

By: 
Henry E. Crawford
Its Attorney

Yarnell Communications
Comments of Yarnell Communications
March 10, 1997

EXHIBIT 1



U.S. Gazetteer

Select one of the following matches to your query to look at that place in the Tiger Map Browser or retrieve 1990 Census tables.

You can search this index. Type the keyword(s) you want to search for:

-
- **Zip Code: 85362** (Yarnell, AZ)
Population (1990): 455
Location: 34.414076 N, 112.62166 W
Browse Tiger Map of area.
Lookup 1990 Census zipcode data from STF3B.

*Note: This dataset is derived from the Census GICS and does not contain unincorporated place names.

For other geographic entities, try searching the USGS Geographic Names Information System.
The US Gazetteer Place and Zipcode files used in this service is available for downloading.

Please email comments and suggestions to: WebMaster@Census.GOV.

Yarnell Communications
Comments of Yarnell Communications
March 10, 1997

EXHIBIT 2

Arizona School Report Card 1995 - 1996

Yarnell Elementary School

Yarnell Elementary District
P.O. Box 575, Yarnell, Arizona 85362

Head Teacher: Patricia A. Miller Edwards	Grades: Pre-K to 6
Office Hours: 7:30 a.m. to 4:00 p.m.	Enrollment: 47
	Phone: (520) 427-3347

School Statement

We are committed to the African proverb, "It takes an entire village to raise a child". Therefore we include the community in our volunteer programs/school-community activities. We believe all children will rise to their highest potential. Our staff, parents & students work together to achieve this. Our Spec. Ed. is moving towards inclusion for students who would benefit from this program. Our small numbers & multigrade classrooms allow for a family atmosphere.

School Organization and Philosophy

Multi-age Classrooms	Traditional
Back-to-Basics	Team Teaching

Academic Goals

Increase the number of children achieving and the number of Essential Skills being achieved	Raise the academic expectations that teachers have for all children
---	---

Instructional Programs

On-site Special Education	Gifted	Special Education Preschool
---------------------------	--------	-----------------------------

School Honors

Yavapai County Teacher of the Year	1995
Poetry Contest-Local Small Schools	1995
Field Day--Small Schools	1995

Promotion Rate	98%
Attendance Rate	93%
Number of School Days	180
Hours of Instruction	6 hrs. and 20 min.

Next Page

This Arizona School Report Card was prepared by the Arizona Department of Education using a standardized format to combine information provided by the local school with data compiled from state records. Information is provided for the 1995-96 school year unless otherwise noted. Enrollment

is the number of students enrolled as of Oct. 1, 1994. Be aware that each school has special strengths and needs and that all schools benefit from the active involvement of parents in their children's education. If you have questions about the report card or need more information, contact the school office. Look for Arizona School Report Cards at <http://ade.state.az.us/reportcards/> on the Internet.

Yarnell Communications
Comments of Yarnell Communications
March 10, 1997

EXHIBIT 3

[Click here to see map](#)

Yarnell and Peeples Valley are on U.S. Highway 89, approximately 80 miles northwest of Phoenix.

Yarnell, the hill and the community, were named for Harrison Yarnell, who discovered and worked the Yarnell Mine in the 1890s. Abraham Peeples, who had a ranch in the valley which bears his name, came to the area in 1865. Yarnell and Peeples Valley are at altitudes of 4,782 and 4,700 feet respectively. The post office in Yarnell was established in 1892. Both communities are unincorporated.

PRINCIPAL ECONOMIC ACTIVITIES

Cattle ranching and mining in the Yarnell/Peeples Valley area provide the major source of economic activity for the two communities. The Hays Cattle Company, located in Peeples Valley, is one of Arizona's most historic ranches. Their Bar-Muleshoe-Bar brand dates back to 1876.

A growing arts, crafts and antique business has resulted in a noticeable increase in tourism. These visitors are discovering the clean air, water and mild climate of the area.

Yarnell is an attractive retirement area because of the low cost of living and mild climate. Many summer visitors come to escape the desert heat. A small commercial and service sector exists to serve these residents and the surrounding rural area.

SCENIC ATTRACTIONS

The Shrine of St. Joseph of the Mountains is located in the Weaver Mountains one-half mile west of Yarnell. This hillside shrine consists of a chapel, the Way of the Cross, and replicas of the Garden of Gethsemane and the Last Supper—all the work of Felix Lucero. A lookout point off the highway provides a panorama of the desert regions below.

Congress, nine miles southwest of Yarnell, was the site of a mine said to have been owned by Diamond Jim Reynolds. The old gold-mining ghost towns of Stanton, Octave and Weaver, the latter named for famed scout Pauline Weaver, are not far from Yarnell. Octave, operational until 1942, was laid out as a placer camp in 1863, at which time it was claimed by eight men (thus the name). Stanton, the earliest gold strike of the three, was named for the infamous scoundrel Charles P. Stanton.

The 1.5-million-acre Prescott National Forest is north and east of town. The forest offers numerous recreational opportunities, such as camping, hiking and water sports in one of the many recreation areas.

POPULATION	1980	1990	1995
Yarnell/Peeples Valley	785	1,195	1,438*
Yavapai County	68,145	107,714	129,500
Arizona	2,716,546	3,665,228	4,228,900
Sources: Arizona Department of Economic Security, U.S. Census Bureau, and Northern Arizona Council of Governments.			

*1995 estimate based on 1990 census data in comparison to county population.

LABOR FORCE DATA*	1980	1990	1995
Civilian Labor Force*	764	1,045	1,336
Employed	689	966	1,208
Unemployed	75	79	127
Unemployment Rate	9.8%	7.6%	9.5%
* Congress Census Division figures. 1995 estimate projected from Census Division data in comparison to County labor force.			
Source: Arizona Department of Economic Security.			

GROWTH INDICATORS	1990	1994	1995
Postal Receipts (\$)*	53,776	59,713	82,375
School Enrollment	102	52	47
Net Assessed Valuation (\$)***	2,817,853	2,808,468	2,902,845
* Postal receipts are for fiscal year.			
** Yarnell Fire District.			

PROPERTY TAX RATE PER \$100 ASSESSED VALUATION	1990	1994	1995
AZ State Tax	\$ 0.47	\$ 0.47	\$ 0.47
Community College	1.68	1.61	1.67
Flood Control (Cnty.)		0.19	0.26
Library		0.11	0.11
County Fire District		0.10	0.10
County	2.99	2.48	2.47
County Total	\$ 5.14	\$ 4.96	\$ 5.09
School District	6.12	6.20	6.99
Yarnell Fire District	0.78	1.02	0.53
Total	\$12.04	\$12.18	\$12.61

Source: Arizona Tax Research Foundation.

Note: Property tax in Arizona is based on assessed valuation which is 10 percent of market value for residential property. Average tax rate on homes in Arizona before exemptions and rebates is 1.3% of market value.

COMMUNITY FACILITIES

Community facilities for residents of Yarnell/Peoples Valley include a community hall, a library and a park.

Communication. In addition to communication resources from the rest of the state, Yarnell/Peoples has a local weekly newspaper, a radio station from Wickenburg, and receives television channels from metro Phoenix via cable.

Educational. There is one public elementary school in Yarnell/Peoples Valley. Students in junior high and high school are bussed to Wickenburg, 26 miles south, or to Prescott, 31 miles north.

Medical. A medical office and a registered nurse-practitioner are available locally. Full medical facilities are available in Wickenburg, 26 miles south, and Prescott, 31 miles north.

Financial. A branch office of Bank One is located in Yarnell/Peoples Valley. Further, Yavapai County businesses are eligible for assistance in financing fixed assets through the Strategic Finance Division, Arizona Department of Commerce. Information on private activity bonds within the county may be obtained from the same source or from the Industrial Development Authority of Yavapai County; c/o H.W. Smith, President; P.O. Box 607; Yarnell, Arizona 86362.

Governmental. The community is governed by the Yavapai County Board of Supervisors and served by deputies from the sheriff's department and the highway patrol. The fire department has six volunteers.

Airport. Residents of Yarnell/Peoples Valley have access to the Wickenburg Municipal Airport (26 miles south), which has a lighted, paved 5,050-foot runway, and UNICOM radio.

Utilities

Electricity: Arizona Public Service (520) 427-3451

Propane Gas: Various Dealers

Telephone: U.S. West Communications (800) 244-1111

Water: Yarnell Water Improvement

Association 427-3321

Sewer: Individual septic tanks

Lodging and Meeting Facilities. There are four motels with 20 units, five trailer/RV parks and one public campground available. Also, the community hall and school auditorium have seating up to 200 persons. Meeting facilities are also available in nearby Wickenburg, with the largest seating 600.

WEATHER*	Average Temperature (F)		Average Total
Month	Daily Maximum	Daily Minimum	Precipitation (Inches)
January	50.5	23.5	0.97
February	54.5	25.9	0.75
March	59.1	29.5	0.81
April	67.9	36.8	0.57

May	76.3	44.2	0.32
June	85.9	53.1	0.44
July	89.5	61.4	2.76
August	86.8	59.1	2.65
September	83.5	52.8	1.05
October	73.9	41.6	0.68
November	61.2	30.9	0.69
December	52.6	24.6	1.11
Year			
* Prescott F.A.A. Airport Station. Average Total Snow, Sleet and Hail Annually: 12.00 inches (based on a 30-year average)			

This profile was prepared by the Arizona Department of Commerce Communications Division in cooperation with the Yarnell/Peeples Valley Chamber of Commerce.

For further information, contact:

Yarnell/Peeples Valley Chamber of Commerce
P.O. Box 275
Yarnell, AZ 85362-0275

Yavapai County Board of Supervisors
255 E. Gurley, Rm 307
Prescott, AZ 86301
(520) 771-3200

Bulk orders and complete sets of profiles may be obtained at moderate cost from the Arizona Department of Commerce by calling (602) 280-1321.

Arizona Department of Commerce

3800 N. Central Ave., Ste. 1400
Phoenix, AZ 85012
(602) 280-1321
FAX: (602) 280-1305

Reproduction of this publication for commercial use is prohibited by A.R.S. 39-121. Permission to reprint may be granted upon written request to the Arizona Department of Commerce. 6/96

*This is <http://www.state.az.us/ep/comm/yarnel.shtml>
Last update Wednesday, 30-Oct-96 11:34:11*

Yarnell Communications
Comments of Yarnell Communications
March 10, 1997

EXHIBIT 4

International Organizations



American Friends Service Committee
1501 Cherry Street
Philadelphia, PA 19102-1479
(215) 241-7000

AFSC cosponsors summer community service projects of six to eight weeks with Mexican and other Latin American organizations. Approximately 50 volunteers serve with Latin Americans in small teams working and living in villages. Applicants should be 18 to 26 years old, fluent in Spanish, and have skills in construction, gardening, arts, crafts, child care, or other practical areas. A limited number of scholarships are available.

Amigos de las Americas
5618 Star Lane
Houston, TX 77057
(800) 231-7796 or (713) 782-5290

Amigos de las Americas is a development organization that works in public health projects throughout Latin America. Its projects are done in collaboration with the host country's ministry of health. Volunteers age 16 or older spend four to eight weeks as summer volunteers in villages in Brazil, Costa Rica, the Dominican Republic, Ecuador, Mexico and Paraguay. Projects include immunization, community sanitation, well-digging and animal health. Amigos chapters across the United States conduct training prior to departure and raise funds for the majority of volunteers. Costs range from \$2,200 to \$3,000. At least one year of high school Spanish is a prerequisite.

Architects and Planners in Support of Nicaragua (APSNICA)
P.O. Box 1151
Topanga, CA 90290
(213) 455-1340

APSNICA projects include construction brigades, research delegations, material aid campaigns, and technical assistance programs. APSNICA also publishes a monthly newsletter, Framework. The construction brigades are made up of both skilled and unskilled volunteers who pay their way to Nicaragua and live and work with Nicaraguans on rural cooperatives. Part of APSNICA's emphasis is on training local men and women in all aspects of building houses. APSNICA also sends professionals in architecture, soil science, planning, engineering, and hydrology.

Earth Shelter
63 Burbank Street, Room 15
Boston, MA 02115
(617) 424-8423

Earth Shelter is a nonprofit architectural group organized in 1986 to develop politically and environmentally responsive design projects while educating the public for social change. Its projects stress sensitivity to culture, use of indigenous materials, and each project's potential for widespread application. Earth Shelter is part of Project Breaking Ground, which has been active in Nicaragua since 1983. Its book, *Machine Guns and Musicians: Architectural Design in Revolutionary Nicaragua*, is available for \$20.

Father Wasson's Orphans
Nuestros Pequenos Hermanos
P.O. Box 1027
Yarnell, AZ 85362
(602) 427-3339

Volunteers work in Father Wasson's orphanages in Mexico, Haiti, and Honduras in construction, in dormitories as dorm directors, in food preparation and general office support. Volunteers are also needed at an extension site in Yarnell, Arizona, where orphans from Mexico, Honduras, and Haiti study intensive English for one year. Volunteers are needed there as teachers of English (no experience necessary) to supervise and work with students in food service and maintenance. Placements are for one year. Volunteers pay travel expenses; room and board are provided.

Global Volunteers
2000 American National Bank Building
St. Paul, MN 55101
(612) 228-9751

Global Volunteers forms teams of eight to twelve volunteers who live in rural communities and work with villagers on development projects selected by the host community. The projects may involve construction and renovation of schools and clinics, health care, tutoring, business planning or assisting in other local activities. Opportunities are available in Guatemala, Mexico, Paraguay, Jamaica, India, and Western Samoa. Volunteers are of all ages and come from all backgrounds and occupations, including teachers, carpenters, homemakers, physicians, and artists. No special skills or languages are required. Trips range from \$1,065 to \$3,040 and include costs of training, visas, ground transportation, hotels, village lodging, food, and airfare from gateway cities.

Grassroots International (GI)
Box 312
Cambridge, MA 02139
(617) 497-9180

GI supports grassroots development projects in the horn of Africa, Lebanon, the Philippines, and South Africa. It also concentrates on educational activities in the United States.

Groundwork Institute
1126 Delaware Street
Berkeley, CA 94702

CERTIFICATE OF SERVICE

I, Henry E. Crawford, Esq., do hereby certify that copies of the foregoing
Comments of Yarnell Communications have been served by United States mail,
postage prepaid this 10th day of March, 1997 upon the following:

*John A. Karousos
Chief, Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

* Ms. Nancy Joyner
Allocations Branch
Policy and Rules Division
Mass Media Bureau
Federal Communications Commission
2025 M Street, N.W.
Washington, D.C. 20554

*Hand Delivered



Henry E. Crawford, Esq.